

### **REMARKS**

Applicant believes the claims as amended are in condition for allowance. To expedite prosecution, Applicant respectfully requests the Examiner to contact Applicant's counsel, Chun-Pok Leung, by telephone to discuss any further concerns prior to issuing another office action.

### **Pending Claims**

Claims 1, 3-10, and 14-16 are pending in this application. Claims 11-13 have been canceled without prejudice and without disclaimer. Claims 1, 3-5, 7, 8, and 10 have been amended. New claims 14-16 have been added. No new matter has been introduced. Support for the amendments can be found in the Abstract and in the specification at, e.g., [0020]-[0028] of the published application no. 20020029185.

### **Claim Rejections under 35 U.S.C. §112**

Claims 1, 3-5, 7, 8, and 10 have been amended to overcome the rejection under 35 U.S.C. 112, first paragraph.

### **Claim Rejections under 35 U.S.C. §103**

Claims 1, 3, and 4-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Huberman, U.S. Pat. No. 5,826,244 in view of Kinney et al., U.S. Pat. No. 7,249,085, Shoham et al., U.S. Pat. No. 6,285,989, Odom et al., U.S. Pat. No. 6,058,379, and Koopersmith, U.S. Pub. No. 2001/0042002.

These rejections are traversed as follows.

A. The References Do Not Teach or Suggest a Brokerage Computer Between an Information Terminal or User Computer of the User and a Plurality of Action Servers for Performing the Functions As Recited in the Claims

The present invention has four main elements: a computer (Brokerage Server 230), an information terminal of a user computer (Information Terminal 211), a plurality of auction servers (Auction Servers 221-1, 221-2, 221-3), and a plurality of buyers (Any Buyers 522). As seen in FIG.1, the Brokerage Server uses the Auction Servers and provides a novel method of a new auction brokerage service.

**None** of the cited references disclose the Brokerage Server ("computer" in the claims). Independent claims 1 and 5 each recite a method performed by the Brokerage Server. Independent claims 8 and 14 each recite the Brokerage Server.

In contrast, Huberman has three main elements (Col. 7, lines 53-54; Col. 8, lines 5-8; FIG. 2): Supplier Process 220 for providing services, Broker Process 230 as an auctioneer performing dealings between customers and the supplier, and Customer Process 210 for ordering the services. The Broker Process in Huberman is a bidder (Col. 10, lines 22-34), and corresponds to one of a plurality of auction servers (Auction Server) in the present invention. The Supplier Process in Huberman is an element which provides services, and corresponds to the information terminal of the user in the present invention. The Customer Process in Huberman is an element which buys the services, and corresponds to the plurality of buyers in the present

invention.

The Brokerage Server in the present invention is not disclosed in Huberman. The Examiner has not pointed to any specific teaching in Huberman for the computer (brokerage server) that resides between an information terminal of a user and auction servers to perform brokerage operation for an auction. The other references (Shoham, Odom, Kinny, Koopersmith) do not disclose the Brokerage Server and hence do not cure the deficiencies of Huberman.

B. The References Do Not Teach or Suggest Simultaneous Auctions by Multiple Auction Servers of an Auctioned Item Owned by the User

One aspect of the present invention is to perform simultaneously auctions of a single private article which the use owns at a plurality of auction sites. In contrast, the Process in Huberman, as an auctioneer, performs dealings between the Customer Process and the Supplier Process (Col. 7, lines 53-54; Col. 8, lines 5-8). As shown clearly in FIG. 2, Huberman discloses an auction performed by only one auctioneer (only one auction site). Thus, Huberman relates to an auction mechanism between the customer and the supplier via a network (Col. 19, lines 16-18).

Huberman discloses as an auction example of Huberman, an auction that many customers request simultaneously different services (many customers put up simultaneously different commodities). This is multiple auctions performing many different auctions (Col. 18, lines 27-50). The subject of this auction process is the Broker Process. The auction is performed at one auction site. Huberman merely discloses that there are many different auctions in each auction site. Huberman does

not disclose a technique using a plurality of auction sites simultaneously. Hence, Huberman does not teach or suggest this aspect of the claimed invention.

Shoham discloses that the application 210 supports multiple auctions simultaneously (Col. 12, lines 27-29). In the concrete, the transaction monitor 410 included in the application 210 executes corresponding services (General Services 420 or Market Specific Services 430) in response to receiving a lot of auction requests from clients (Col. 12, lines 27-65). These processes are performed in only one system (a universal auction specification system). Shoham does not disclose a technique using a plurality of auction sites simultaneously. Thus, it does not cure the deficiencies of Huberman.

Odom discloses that a server (exchange provider 100) performs an exchange processing by 8 steps (Col. 3, lines 13-15; Col. 4, lines 15-24). The exchange processor 120 included in the exchange provider 100 performs the exchange processing (Col. 4, lines 44-45). Odom discloses a technique performing the exchange processing in one server (exchange provider 100). In Odom, the multiple concurrent auctions process is described in the step 820 (Col. 10, line 10). The step 820 shows an auction phase in an electronic auction which emulates a real-world auctions' functions and abilities (Col. 9, lines 57-61; Col. 10, lines 8-10). This electronic auction is the exchange processing performed by the server (exchange provider 100) disclosed in Odom. The multiple concurrent auctions process disclosed in Odom is the exchange processing performed by only one server (exchange provider 100). The multiple concurrent auctions process disclosed in Odom is an auction

processing performed at each auction site. However, since Odom does not disclose a technique using a plurality of auction sites simultaneously, Odom does not cure the deficiencies of Huberman.

In Odom, as an example embodiment, there is a description relating to trading of Securities and Exchange Commission listed stocks (Col. 10, line 37 to Col. 11, line 9). In the system of the example embodiment, a buyer and a seller make directly to buy and to sell. In response to offering to buy or sell, the system checks existence of a matching offer (buy or sell). When being matched in same stock and same price, the system completes the dealing. The example embodiment in Odom discloses processing in only one exchange system. The example embodiment in Odom discloses exchange processing in each exchange system, not a technique using a plurality of exchange sites. Hence, Odom does not disclose the claimed invention.

In the coal auction of Kinny, the problem is that it is difficult to evaluate the coal because of variable quality of coal. In order to solve the problem, Kinny transforms multi-parameter bids of the coal into comparative bids to enable each bidder to view a comparison of the bids (Abstract, Summary of The Invention). This transformation is processed in one auction site. Thus, Kinney does not disclose the present invention which uses the plurality of auction sites and gathers auction results of the commodity from the plurality of auction sites.

Koopersmith relates to e-commerce and discloses that a customer searches suppliers via Internet to buy a desired toaster. The search technique of Koopersmith does not relate to the present invention. In the present invention, a user puts up a

private article to be auctioned to the plurality of auction sites simultaneously. The auction sites to be put up are selected from the plurality of auction site information 261 stored in the auction site information file 260 in the Brokerage Server 230 ([0018] of US20020029185). Known auction sites include eBay, Yahoo!, etc. The present invention has previously stored information relating these auction sites into the auction site information file 260. Therefore, the user need not search an auction site via the Internet in order to put up the private article.

C. The References Do Not Teach or Suggest Selection of Auction Servers Suitable for the User's Conditions by the Brokerage Computer

The Examiner alleges that the selection of auction servers suitable for the user's conditions is implicit in Kinney, Shoham, and Odom. However, Kinney, Shoham, and Odom each disclose auction processing in a single auction site. The teaching of auction processing in a single auction site not only fails to implicitly disclose the selection of auction servers (i.e., auction sites) suitable for the user's conditions, but teaches away from the selection of auction servers.

**Claims 1, 3, and 4**

Applicants respectfully submit that independent claim 1 as amended is patentable over Huberman, Kinney, Shoham, Odom, and Koopersmith because, for instance, they do not teach or suggest a method for auction brokerage service provided by a computer that resides between an information terminal of a user putting up an article which the user owns to be an auctioned item and a plurality of auction servers accessed by a plurality of buyers to perform brokerage operation for an

auction of the auctioned item owned by the user among the auction servers, the method comprising the step of transmitting an auction registration request in the name of the user to each of the selected auction servers to receive a notification that the auctioned item owned by the user has been registered at the selected auction servers, the selected auction servers auctioning the auctioned item owned by the user simultaneously to the plurality of buyers accessing the selected auction servers, wherein the selected auction servers are other brokerage computers each of which accepts a request for processing for the auctioned item owned by the user from a corresponding information terminal of another user.

The Examiner cites Odom for disclosing multiple concurrent auctions, and asserts that the trading of SEC listed stocks is similar to the claimed invention. However, the trading of stocks involves multiple items that are not an "item owned by the user." As described throughout the present application, the item being auctioned via multiple auction servers is an item owned by the user, which is different from stocks.

Furthermore, Huberman discloses a broker process 230 disposed between customer processes 210a and supplier processes 220a. The broker process 230 "is a process that oversees the auction and acts as auctioneer," and "can accept document services job requests from customer processes 210 and solicit and accept bids on such job requests from supplier processes 220, and can strike bargains between customer processes 210 and supplier processes 220" (Col. 8, lines 5-13). As such, the broker process 230 is similar to an auction server recited in claim 1 (auctioning the

auctioned item to a plurality of buyers), not a computer between an information terminal and a plurality of auction servers to perform brokerage operation for an auction of an auctioned item among the auction servers. Thus, Huberman does not disclose the structure of the auction brokerage service as recited in claim 1.

Nor does Huberman teach or suggest the method for auction brokerage service provided by the computer of claim 1 which resides between the information terminal and the plurality of auction servers. Claim 1 recites method steps for auction brokerage service performed by a computer between an information terminal and a plurality of auction servers. The computer is not an auctioneer, unlike the broker process 230 in Huberman, which itself characterizes the broker process 230 as an auctioneer.

For example, the broker process 230 in Huberman does not select information of the auction servers because the broker process 230 itself is essentially an auction server and it does not interact with a plurality of auction servers (i.e., broker processes) to perform brokerage service as recited in claim 1. Instead, the broker process 230 interfaces with customer processes 210 submitting job requests and with supplier processes 220a providing bids on the job requests. Furthermore, the broker process 230 does not transmit an auction registration request to auction servers (i.e., broker processes), and it does not gather trade information at selected auction servers (i.e., broker processes).

Kinney, Shoham, Odom, and Koopersmith do not cure the deficiencies of Huberman for the reasons discussed above. The references do not teach or suggest



simultaneous auctions by multiple auction servers of an auctioned item owned by the user. The references implicitly teach away from the selection of auction servers suitable for the user's conditions.

For at least the foregoing reasons, claim 1 and claims 3 and 4 depending therefrom are patentable.

**Claims 5-7**

Applicants respectfully submit that independent claim 5 as amended is patentable over Huberman, Kinney, Shoham, Odom, and Koopersmith because, for instance, they do not teach or suggest a method executed by a brokerage computer residing between a user computer of an auction user putting up an article which the user owns to be an auctioned item and auction computers of auction organizers accessed by a plurality of buyers to perform brokerage operation for auctions among the auction computers, the method comprising sending the information about the auctioned item owned by the user in the name of the user to the auction computers of the specified auction organizers, the auction computers auctioning the auctioned item owned by the user simultaneously to the plurality of buyers accessing the specified auction organizers.

As discussed above in connection with claim 1, the trading of stocks in Odom involves multiple items that are a private item owned by the user. Furthermore, Huberman does not disclose the structure of the auction brokerage operation as recited in claim 5. Nor does Huberman teach or suggest the method for auction brokerage operation provided by the brokerage computer of claim 5 which resides

between the user computer and the plurality of auction computers. Claim 5 recites method steps for auction brokerage operation performed by a brokerage computer between a user computer and a plurality of auction computers. The brokerage computer is not an auctioneer, unlike the broker process 230 in Huberman, which itself characterizes the broker process 230 as an auctioneer. For example, the broker process 230 in Huberman does not send the information about the auctioned item in the name of the user to the auction computers of the specified auction organizers because the broker process 230 itself is essentially an auction computer and it does not interact with a plurality of auction computers (i.e., broker processes) to perform brokerage service as recited in claim 5. Instead, the broker process 230 interfaces with customer processes 210 submitting job requests and with supplier processes 220a providing bids on the job requests. Kinney, Shoham, Odom, and Koopersmith do not cure the deficiencies of Huberman for the reasons discussed above.

For at least the foregoing reasons, claim 5, and claims 6 and 7 depending therefrom, are patentable.

#### **Claims 8-10**

Applicants respectfully submit that independent claim 8 as amended is patentable over Huberman, Kinney, Shoham, Odom, and Koopersmith because, for instance, they do not teach or suggest a computer for residing between an information terminal of a user putting up an article which the user owns to be an auctioned item and auction servers accessed by a plurality of buyers to perform brokerage service for an auction of the auctioned item among the auction servers, the computer comprising

means for sending the information about the auctioned item owned by the user in the name of the user to the specified auction servers, the specified auction servers auctioning the auctioned item owned by the user simultaneously to the plurality of buyers accessing the specified auction servers.

As discussed above in connection with claim 1, the trading of stocks in Odem involves multiple items that are not an item owned by the user. As described throughout the present application, the item being auctioned via multiple auction servers is a private item owned by the user, which is different from stocks. In addition, Huberman does not disclose the computer of the auction brokerage service as recited in claim 8. The computer of claim 8 is not an auctioneer, unlike the broker process 230 in Huberman, which itself characterizes the broker process 230 as an auctioneer. The computer of claim 8 includes various means not taught or suggested for the broker process 230 in Huberman. Kinney, Shoham, Odom, and Koopersmith do not cure the deficiencies of Huberman for the reasons discussed above.

For at least the foregoing reasons, claim 8, and claims 9 and 10 depending therefrom, are patentable.

#### **Claims 14-16**

Applicants respectfully submit that new independent claim 14 is patentable over Huberman, Kinney, Shoham, Odom, and Koopersmith because, for instance, they do not teach or suggest a system which includes an information terminal of a user putting up an article which the user owns to be an auctioned item, a plurality of auction servers accessed by a plurality of buyers to perform brokerage service for auctions of the

auctioned item owned by the user among the auction servers, and a brokerage server connected between the information terminal and the auction servers, the brokerage server comprising means for sending the information about the auctioned item owned by the user in the name of the user to the auction computers of the specified auction organizers, the auction computers auctioning the auctioned item owned by the user simultaneously to the plurality of buyers accessing the specified auction organizers.

Clearly, none of the references disclose or suggest a system including an information terminal, a plurality of auction servers, and a brokerage server connected between the information terminal and the auction servers. Moreover, as discussed above in connection with claims 1 and 8, the trading of stocks in Odem involves multiple items that are not an item owned by the user. As described throughout the present application, the item being auctioned via multiple auction servers is a private item owned by the user, which is different from stocks. In addition, Huberman does not disclose the computer of the auction brokerage service as recited in claim 14. The computer of claim 14 is not an auctioneer, unlike the broker process 230 in Huberman, which itself characterizes the broker process 230 as an auctioneer. The computer of claim 14 includes various means not taught or suggested for the broker process 230 in Huberman. Kinney, Shoham, Odom, and Koopersmith do not cure the deficiencies of Huberman for the reasons discussed above.

For at least the foregoing reasons, claim 14, and claims 15 and 16 depending therefrom, are patentable.

**Conclusion**

In view of the foregoing amendments and remarks, Applicants respectfully contend that the above-identified application is now in condition for allowance.

Respectfully submitted,

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